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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,998	12/03/2003	Aik Pin Cheah	402902/M&C	5190
23548	7590	11/14/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			TILL, TERRENCE R	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,998

Applicant(s)

CHEAH ET AL.

Examiner

Terrence R. Till

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlstedt (US 1,424,879).

3. The patent to Carlstedt discloses (figures 4 and 5) an electric scrubber, comprising: a housing "h", an electric motor "g" mounted within a housing, a pair of scrubbing blocks "b", "a" mounted to the housing for rotation about a common axis, and a torque transmission "c" transmitting torque from the electric motor to the scrubbing blocks in such manner that the scrubbing blocks rotate simultaneously in mutually opposite directions about the common axis. One of the scrubbing blocks has a circular array of inwardly directed teeth ("b" see figure 4) and the other of the scrubbing blocks has a circular array of outwardly facing teeth ("a" see figure 4) and wherein the torque transmission comprises a pinion "c" meshing with both of said circular arrays of teeth; both circular arrays of teeth are mounted in a common plane, each scrubbing block comprises surface-interactive elements mounted upon a common plane and wherein each scrubbing block comprises surface-interactive elements radiating from a common axis.

4. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wertz (US 1,766,419).

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5. The patent to Wertz discloses an electric scrubber, comprising: a housing 18, an electric motor 11 mounted within a housing, a pair of scrubbing blocks 9',10' mounted to the housing for rotation about a common axis, and a torque transmission 12-18 transmitting torque from the electric motor to the scrubbing blocks in such manner that the scrubbing blocks rotate simultaneously in mutually opposite directions about the common axis, each scrubbing block comprises surface-interactive elements 7,8 mounted upon a common plane and wherein each scrubbing block comprises surface-interactive elements radiating from a common axis. Wertz also discloses a dispenser 26-29 within the housing for delivering a liquid agent to at least one of the scrubbing blocks.

6. Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Meadows et al. (US 4,158,246).

7. The patent to Meadows et al. discloses an electric scrubber, comprising: a housing 12, an electric motor 94 mounted within a housing, a pair of scrubbing blocks 135,138 mounted to the housing for rotation about a common axis, and a torque transmission 97, 105-107, 120, 121, 130, 131 transmitting torque from the electric motor to the scrubbing blocks in such manner that the scrubbing blocks rotate simultaneously in mutually opposite directions about the common axis, each scrubbing block comprises surface-interactive elements (see figures 4 and 10) radiating from a common axis. Meadows et al. also disclose a handle 39,10 detachable from the housing and encasing a rechargeable battery in circuit with the electric motor via terminals 26,27 exposed upon detachment of the handle from the housing.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlstedt (US 1,424,879) in view of Hargis (US 1,386,568).

12. The patent to Carlstedt discloses the claimed invention except that Carlstedt does not employ a worm gear in mesh with an intermediate gear. The patent to Hargis discloses a motor

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driven brush that includes a worm gear 15 in mesh with an "intermediate gear" 14. Therefore, because these two drive assemblies were known at the time the invention was made, one of ordinary skill in the art would have found it obvious to provide the device of Carlstedt with a torque transmission that includes a worm gear I mesh with an intermediated gear in view of the teaching of Hargis. Such would allow the motor to be mounted horizontally and lower the overall height of the device.

Allowable Subject Matter

13. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Tsang and Klupt also show counter-rotating cleaning assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence R. Till
Primary Examiner
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trt